

PATENT

Atty. Dkt. No. 03493.86913 (ATT/112518CON)

REMARKS

In view of the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated under the provisions of 35 U.S.C. § 102. Thus, the Applicants believe that all of these claims are now in allowable form.

I. Objections to the Drawings

The Examiner objected to Applicants' drawings by alleging that every feature of the claims must be shown. Applicants respectfully traverse the Examiner's objection.

Responsive to the Examiner, Applicants respectfully submit that every feature of the claims have been shown in accordance with 37 CFR 1.83(a). For example, Applicants' FIG. 9 illustrates a CPE, and a switch (e.g., 402) in the UNI. FIG. 9 also illustrates various user data within the CPE that can be used to form frame relay data packets. FIG. 9 also shows at least one permanent virtual circuit (e.g., PCV D). Finally, FIG. 12 illustrates the switch, in one embodiment, as a frame relay switch 1001. As such, Applicants' figures fully comply with 37 CFR 1.83(a). Applicants respectfully request that this objection be withdrawn.

II. REJECTION OF CLAIM 32, 34, 35 AND 37 UNDER 35 U.S.C. § 102

The Examiner has rejected claims 32, 34, 35 and 37 in the Office Action under 35 U.S.C. § 102 as being anticipated by Han (US Patent 6,009,097, issued December 28, 1999). Claim 37 has been canceled without prejudice. Applicants respectfully traverse the rejection of claims 32, 34, and 35.

As previously directed to the Examiner's attention, Applicants' invention in one embodiment, recites a fast packet switch (e.g., a frame relay switch) that is capable of supporting conventional frame relay service that are linked to logical paths such as permanent virtual (PVCs) in addition to service and/or feature sets. In other words, the fast packet switch is capable of translating both IP data and conventional PVC data. (e.g., See Applicants' specification, page 13 line 10 to page 14, line 14.)

In contrast, Han is clearly limited to an ATM switch and is not a frame relay switch as recited by Applicants' amended claims. In fact, the Examiner conceded this

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fact in the Final Office Action and noted Applicants' invention is distinct from the cited reference. However, the Examiner indicated that Applicants' claims did not recite the frame relay limitation. It is respectfully submitted that Applicants' claims have now been amended to recite the frame relay limitation. Thus, independent claim 32 is not anticipated by the teaching of Han and fully satisfies the requirement of 35 U.S.C. § 102.

Dependent claims 34 and 35 depend from claim 32 and recite additional limitation, respectively. As such, and for the exact same reason set forth above, the Applicants submit that claims 34 and 35 are also not anticipated by the teachings of Han. Therefore, the Applicants submit that claims 32, 34 and 35, as they now stand, fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

Conclusion

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §102. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the maintenance of the present final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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